

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.39552 of 2016

K.Mareeswari

.. Petitioner

Vs

- 1 The Secretary
Health and Family Welfare Department St.
George Fort Chennai-9
- 2 The Director
Medical and Rural Health Services DMS
Campus Teynampet Chennai-6
- 3 The Director
Director of Medical Education Poonnamalli
High Road Kilpauk Chennai-10 .. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus to direct the respondents to consider the petitioner's representation dated 11.8.2016 and transfer the petitioner from Villupuram Government Medical College Hospital, Villupuram to Virudhunagar Government Hospital or any GH or any one Urban Primary Health Center at Virudhunagar District which is nearest to the petitioner native place.

For Petitioner : Mr.R.K.Gandhi

For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider her representation dated 11.8.2016 and transfer her from Villupuram Government Medical College Hospital, Villupuram to

Virudhunagar Government Hospital or any GH or any one Urban Primary Health Center at Virudhunagar District which is nearest to her native place.

3. It is the case of the petitioner that she completed diploma in Nursing Course in the year 2008 and she was appointed as Staff Nurse on 3.7.2009 at Government Primary Health Centre, Nedymbiray, Cheyyar HUD, Thiruvannamalai District, on contract basis. Thereafter, she was transferred to Government Primary Health Centre, Avudaiyapuram, Virudhunagar District. After that, her service was regularized by the second respondent and she was posted at Government Stanley Hospital, Chennai on 3.3.2006. Since her one year old baby is suffering from heart disease, she has to take care of her. However, she is working in Villupuram, she has to go to Virudhunagar to take care of her child, which is more than 450 kms away from Villupuram. Hence, she sent a representation dated 11.8.2016 to the respondents to transfer her to Virudhunagar Government Hospital or any GH or any one Urban Primary Health Center at Virudhunagar District which is nearest to her native place. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 11.8.2016 seeking transfer from Villupuram to Virudhunagar Government Hospital or any GH or any one Urban Primary Health Center at Virudhunagar District, which is nearest to her native place and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

sbi

To

1 The Secretary
Health and Family Welfare Department St.
George Fort Chennai-9

2 The Director
Medical and Rural Health Services DMS
Campus Teynampet Chennai-6

3 The Director
Director of Medical Education Poonnamalli
High Road Kilpauk Chennai-10

1 cc to Government Pleader, Sr. 65317

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